

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE JDS UNIPHASE CORPORATION  
SECURITIES LITIGATION

No. C-02-01486 CW (EDL)

**ORDER RE: LEAD PLAINTIFF'S  
MOTION TO COMPEL**

This Document Relates to: All Actions

Having duly considered the July 12, 2005 Motion to Compel filed by Lead Plaintiff Connecticut Retirement Plans and Trust Funds and the arguments of counsel at the August 16, 2005 hearing, IT IS HEREBY ORDERED that the Court:

GRANTS IN PART Lead Plaintiff's Motion to Compel with respect to the Relevant Time Period, relating to the JDS Uniphase Defendants' General Objection Nos. 14 and 15 to Lead Plaintiff's First Request for Production of Documents. The parties shall meet and confer to develop a procedure for sampling documents from the time period following the Class Period, based upon a proposal from Lead Plaintiff for the time periods to be sampled. The parties should consider the guidelines set forth in *The Sedona Principles*. If the sampling produces relevant documents, the parties shall meet and confer about whether the relevant time period shall be extended.

DENIES without prejudice to more narrowly tailored requests Lead Plaintiff's Motion to Compel production of personnel files (relating to Request Nos. 38, 41, and 51 of Lead Plaintiff's First Request for Production of Documents). The parties shall meet and confer on how to narrow the requests.

GRANTS Lead Plaintiff's Motion to Compel production of diaries, appointment calendars, and telephone logs (relating to Request Nos. 41, 46, and 51). Defendants may redact information relating to purely personal matters such as doctor's appointments and personal family commitments.

DENIES Lead Plaintiff's Motion to Compel production of documents related to net worth but without prejudice to deposition inquiries regarding spending (relating to Request No. 47).

1 GRANTS Lead Plaintiff's Motion to Compel production of documents concerning stock purchases  
2 during the Class Period and any reasons for such purchases by Bruce Day, Robert Enos, and Casimir  
3 Skrzypczak (relating to Request No. 51).

4 GRANTS Lead Plaintiff's Motion to Compel production of documents relating to Request Nos. 33  
5 and 35, subject to reasonable limitations to reduce burdens, recognizing that the information is relevant to  
6 the case. Counsel for both parties shall meet and confer to reach agreement on the method Defendants will  
7 use to provide Lead Plaintiff with relevant information without imposing undue burdens.

8 GRANTS Lead Plaintiff's Motion to Compel production of emails sent to and received by Thomas  
9 Pitre (the "Pitre emails"), and the Redbook team (the "Redbook emails") and those individuals on the  
10 OPSS Distribution list ("OPSS emails"). No later than September 16, 2005, Defendants shall complete  
11 production of the unprivileged emails from Pitre and no later than October 4, 2005, unprivileged emails  
12 from Pitre email recipients. If production of these emails is not completed by these dates and after meeting  
13 and conferring on any alternative schedule proposed by Defendants, Lead Plaintiff may move by letter brief  
14 on four calendar days' notice for an order requiring Defendants to provide the backup tapes of the Pitre  
15 emails to Lead Plaintiff's electronic discovery vendor. Any opposition shall be filed no later than two  
16 calendar days after the letter brief is filed. There will be no reply. With respect to the Redbook and OPSS  
17 emails, counsel and their electronic discovery consultants shall meet and confer no later than September 12,  
18 2005 to reach agreement on a procedure and timetable for production of the Redbook and OPSS emails.  
19 If counsel are unable to reach agreement, then Lead Plaintiff may move by letter brief on an expedited basis  
20 for an order requiring Defendants to provide backup tapes of the Redbook and OPSS emails to Lead  
21 Plaintiff's electronic discovery vendor. Any opposition shall be filed no later than two calendar days after  
22 the letter brief is filed. There will be no reply.

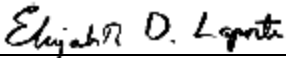
23 GRANTS Lead Plaintiff's Motion to Compel production of information relating to former finance  
24 or accounting employees (relating to Request No. 49). Defendants shall produce all contact information that  
25 they have in an accessible electronic format for all persons they can readily identify as former finance or  
26 accounting employees. The parties shall meet and confer about procedures for (i) identifying additional  
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1 former employees whose information is not readily accessible, and (2) interviews from former finance or  
2 accounting employees.

3 GRANTS Lead Plaintiff's Motion to Compel production of responses to Lead Plaintiff's First  
4 Request for Production of Documents. By October 31, 2005, Defendants shall complete a very significant  
5 amount of their production in response to Lead Plaintiff First Request for Production of Documents.  
6 Defendants shall produce any remaining documents no later than January 31, 2006. The Court may set an  
7 earlier deadline if circumstances justify it. Defendants shall provide weekly updates to Lead Plaintiff as to  
8 the steps being taken and the progress being made with respect to their production of responsive  
9 document.

10 **IT IS SO ORDERED.**

11 Dated: September 7, 2005

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13 ELIZABETH D. LAPORTE  
14 United States Magistrate Judge  
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